

Appl. No. : 09/715,929
Filed: : November 17, 2000

REMARKS

Claims 1-21 are pending in the present application. Claims 12-18, 20 and 21 have been withdrawn from consideration. In the July 23, 2004 Office Action in the parent application, the Examiner rejected Claims 1-7, 10, 11, and 19 under 35 U.S.C. § 102(a) as being anticipated by a collection of Epinions.com articles, including "Home, Netscape, Yahoo! Veterans Announce Epinions.com" (July 12, 1999), "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions" (September 8, 1999), and Tedeschi, "Consumer Products are Being Reviewed on More Web Sites, Some Featuring Comments From Anyone With an Opinion" (October, 25, 1999), collectively referred to as the Epinions.com articles. Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over the Epinions.com articles. Applicants do not concede that the Epinions.com are prior art for the purposes of 35 U.S.C. § 102(a), or 35 U.S.C. § 103(a). Nonetheless, for purposes of this response, Applicants will treat the Epinions.com articles as prior art. In addition, the Examiner has required a new oath or declaration.

Declaration

Applicants are in the process of obtaining new declarations, which will be submitted upon execution by the appropriate inventors.

Discussion of the Rejection under 35 U.S.C. § 102(a)

To anticipate a claim, the reference must teach every element of the claim. *See* MPEP § 2131 at 2100-70. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See id.* (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)) (emphasis added).

Because the Epinions.com articles does not disclose, expressly or inherently, each claim element of Claim 1, Applicants respectfully submit that Claim 1 is allowable over the Epinions.com articles. For example, the Epinions.com articles do not expressly or inherently describe "tallying votes received for a plurality of reviews authored by the first customer to provide a total tally, the total tally including votes received for the product review," as recited by amended Claim 1.

Further, the Epinions.com articles do not expressly or inherently describe "assigning a designation to the first customer based on the total vote tally for the plurality of reviews authored by the first customer," as recited by amended Claim 1. Rather, "Home, Netscape, Yahoo!

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Veterans Announce Epinions.com,” paragraph 4, and “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions,” paragraphs 2, 4, and 7, cited by the Examiner, merely recite:

Reviews written by consumers for consumers; in order to maintain a high-level of quality, all reviews will be ranked by users and sorted by their usefulness. (Home, Netscape, Yahoo! Veterans Announce epinions.com, paragraph 4)

Epinions.com is a platform for consumers to share advice and recommendations with others on what to buy and what not to buy based on real experiences. At Epinions.com, consumers have the final say: they write about products they love or hate, rate the usefulness of others’ epinions, and read epinions from people they trust. Consumers can rely on Epinions.com to offer brutally honest, relevant, and unbiased epinions. In order to maintain objectivity, Epinions.com does not create its own editorial content and the company does not sell products. Epinions.com aims to serve two main groups: shoppers who want the bottom line and reviewers who tell it like it is. (Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions, paragraph 2)

Transparency Ensures Trust and Quality. Users need to trust the advice they receive. At Epinions.com, users can find out about the reviewer giving advice simply by clicking on a reviewer’s profile page, which includes everything from a biography and photograph to a list of all written reviews with community ratings. In addition, Epinions.com ensures high-quality content by rewarding only that content which is helpful to shoppers. Reviewers are paid solely according to the usefulness of their content. (Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions, paragraph 4)

Epinions.com reviewers are experts. They may not be professionals, but they do have something just as valuable to offer. Epinions.com offers enthusiasts a forum to share their expertise. Top community-rated reviewers will be featured prominently on the site and will become personalities, just like professional reviewers. They finally will gain the recognition they deserve. (Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions, paragraph 7)

Nowhere do the Epinions.com articles disclose tallying votes received for a plurality of reviews authored by a first customer to provide a total tally, much less the invention as claimed. Accordingly, Claim 1 is not anticipated by the cited art. Further, the cited art fails to suggest the invention as claimed.

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Because the Epinions.com articles do not expressly or inherently describe elements in Claim 1, Applicants respectfully submit that Claim 1 is allowable and request that the Examiner withdraw the rejection and allow Claim 1.

Similarly, with respect to Claim 19, the Epinions.com articles do not disclose "tallying evaluations for a plurality of reviews from at least a first customer to provide a combined tally for the evaluations," or "transmitting information related to the evaluations and the combined tally for display in association with the product review." Accordingly, Claim 19 is not anticipated. Further, the cited art fails to suggest the invention as claimed by Claim 19.

Because the Epinions.com articles do not expressly or inherently describe elements in Claim 19, Applicants respectfully submit that Claim 19 is allowable and request that the Examiner withdraw the rejection and allow Claim 19.

Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully maintain that independent Claims 1 and 19 are patentably distinct over the cited art, and are in condition for allowance. Claims 2-11, which depend from independent Claim 1 and further define Claim 1, are likewise patentably distinct over the cited art and are in condition for allowance. Applicants therefore respectfully request withdrawal of the rejection of Claims 1-11 and 19, and requests that the Examiner allow Claims 1-11 and 19.

If there are any issues that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned attorney of record at (310) 407-3461 or at the number set forth below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: January 21, 2005

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